

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

JESSIE F. TRUITT, III,

Plaintiff,

v.

MIKE MCDOUGAL, et al.,

Defendants.

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Case No. CIV-24-277-J

ORDER

Plaintiff, a state prisoner appearing pro se, filed a Complaint under 42 U.S.C. § 1983 alleging constitutional violations occurring at his facility. [Doc. No. 1]. The matter was referred for initial proceedings to United States Magistrate Judge Amanda Maxfield Green consistent with 28 U.S.C. § 636(b)(1)(B), (C). Judge Green ordered Plaintiff to cure deficiencies, namely, his failure to either pay the filing fee or file a motion to proceed in forma pauperis. Plaintiff's deadline was April 15, 2024 and Judge Green cautioned Plaintiff that failure to comply may result in dismissal of his action. [Doc. No. 5]. Plaintiff did not respond, and on April 17, 2024, Judge Green issued a Report and Recommendation recommending the Court dismiss Plaintiff's Complaint without prejudice under Fed. R. Civ. P. 41(b). [Doc. No. 6]. Plaintiff's deadline for objection was May 8, 2024. Plaintiff did not object and has waived his right to appellate review of the factual and legal issues addressed in the Report and Recommendation. *See Casanova v. Ulibarri*, 595 F.3d 1120, 1123 (10th Cir. 2010).

Accordingly, the Court ADOPTS the Report and Recommendation [Doc. No. 6] and DISMISSESS Plaintiff's Complaint without prejudice.

IT IS SO ORDERED this 20th day of May, 2024.



BERNARD M. JONES
UNITED STATES DISTRICT JUDGE